

REMARKS

Claims 12, 14-16, 22, and 24-28 are pending, with claims 12 and 22 being independent.

Error in Office Action Summary

Item 4 in the Office Action Summary (the form PTOL-326) of the Final Office Action of July 6, 2006, indicates that claims 12, 14-16, 22, and 24-27 are pending. However, claims 12, 14-16, 22, and 24-28 are pending.

Allowable Subject Matter

The indication that claims 22, 24, 25 and 27 are allowed.

The indication that claims 15, 16, 26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged. However, claims 15, 16, 26, and 28 have not been rewritten in independent form as suggested by the Examiner because base claim 12 from which claims 15, 16, 26, and 28 directly or indirectly depend is also considered to be allowable for the reasons discussed below.

Claim Rejections Under 35 USC 103

Claims 12 and 14 were rejected under 35 USC 103(a) as being unpatentable over Chang et al. (Chang) (U.S. Patent Application Publication No. 2002/0153527) in view of Yamazaki et al. (Yamazaki) (U.S. Patent No. 5,568,288). This rejection is respectfully traversed.

This rejection was previously set forth in the Office Action of December 15, 2005. As pointed out on page 7 of the Amendment of April 14, 2006, filed in response to the Office Action of December 15, 2005, the effective U.S. filing date of Chang is April 30, 2001, which is after the filing date of March 2, 2001, of Korean Application No. 2001-10842, the Korean priority application of the present application.

As pointed out on page 7 of the Amendment of April 15, 2006, a certified copy of the Korean priority application was submitted on March 7, 2002, and receipt of the certified copy was acknowledged by the Examiner in the Office Action of December 4, 2002.

As pointed out on page 7 of the Amendment of April 14, 2006, an English translation of Korean Application No. 2001-10842 and a statement that the English translation is accurate were submitted with the Amendment of April 14, 2006, pursuant to 37 CFR 1.55(a)(4) and MPEP 201.15 to perfect the applicants' claim for foreign priority under 35 USC 119(a)-(d) and remove the availability of Chang as a reference against the claims of the present application.

However, in the Final Office Action of July 6, 2006, the Examiner states as follows:

Submission of the translation of the foreign language application (KR 2001-10842) is acknowledged. However, the declaration is not acceptable since it is not in accordance with **37 CFR 1.68**.

Accordingly, the Examiner repeated the rejection of claims 12 and 14 under 35 USC 103(a) as being unpatentable over Chang in view of Yamazaki in the Final Office Action of July 6, 2006, stating as follows in pertinent part:

[T]he rejection of claims 12 and 14 are maintained since the declaration is not in accordance with **37 CFR 1.68** which states that any document to be filed in the Patent and Trademark Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration.

However, as set forth in the text of the rule itself, 37 CFR 1.68 is only applicable to a document that is required by any law, rule, or other regulation to be under oath, and it is submitted that the statement that the English translation of a foreign priority application is accurate required by 37 CFR 1.55(a)(4)(ii) and MPEP 201.15 is not required by any law, rule, or other regulation to be under oath. 35 USC 119(b)(3) states that "[t]he Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other information as the Director considers necessary." 37 CFR 1.55(a)(4)(ii) states that "if an English language translation is required, it must be filed together with a statement that the translation of the certified copy is accurate." MPEP 201.15 states as follows:

In those cases where the applicant files the foreign papers for the purpose of overcoming the effective date of a reference, a

translation is required if the foreign papers are not in the English language. When the examiner requires the filing of the papers, the translation should also be required at the same time. This translation must be filed together with a statement that the translation of the certified copy is accurate.

It is submitted that nothing whatsoever in 35 USC 119(b)(3), 37 CFR 1.55(a)(4)(ii), MPEP 201.15, or any other statute, rule, procedure or decision requires that the statement that the English translation of the Korean priority application is accurate submitted with the Amendment of April 14, 2006, be under oath or comply with 37 CFR 1.68 as alleged by the Examiner.

For at least the foregoing reasons, it is submitted that Chang is no longer available as a reference against the claims of the present application, and it is respectfully requested that the rejection of claims 12 and 14 under 35 USC 103(a) as being unpatentable over Chang in view of Yamazaki be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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